FEDERAL REGISTER

VOLUME 18 NUMBER 122

Washington, Wednesday, June 24, 1953

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10462

DELEGATION OF CERTAIN FUNCTIONS OF THE PRESIDENT TO THE HOUSING AND HOME FINANCE ADMINISTRATOR

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

1. The Housing and Home Finance Administrator is hereby designated and empowered to perform, without the approval, ratification, or other action by the President, the functions vested in the President by section 611 of the act entitled "An Act to expedite the provision of housing in connection with national defense, and for other purposes," approved October 14, 1940, as amended (42 U. S. C. 1589a)

2. The meaning of the terms "perform" and "functions" as used in this order shall be the same as the meaning of those terms as used in chapter 4 of title 3 of the United States Code.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
June 19, 1953.

[F. R. Doc. 53-5605; Filed, June 22, 1953; 1:02 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

[Amdt. 1]

PART 524—HONEY

GENERAL STATEMENT; PMA COMMODITY OFFICES

The "Honey Diversion Program UMD 66a (1953 Marketing Season)" 18 F. R. 1958, is hereby amended to change the address of the Fruit and Vegetable Branch Office at San Francisco, California and to realign areas of jurisdiction of PMA commodity offices in the manner provided below:

Section 524.325 *General statement* is hereby amended by changing the first item under paragraph (b) to read as follows:

Werner Allmendinger, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, 1000 Geary Street, San Francisco, California.

Section 524.340 *PMA commodity offices* is hereby amended by deleting the entire section and inserting in lieu thereof the following:

§ 524.340 *PMA commodity offices.* The PMA commodity offices and the areas served by them are shown below:

Chicago 5, Illinois, 623 South Wabash Avenue: Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia.

Dallas 2, Texas, 1114 Commerce Street: New Mexico, Oklahoma, Texas.

Kansas City 6, Missouri, Fidelity Building, 911 Walnut Street: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 8, Minnesota, 1006 West Lake Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

New Orleans 16, Louisiana, Wirth Building, 120 Marais Street: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

Portland 5, Oregon, 515 Southwest Tenth Avenue: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Effective date. This amendment shall be effective at 12:01 a. m., e. s. t., June 24, 1953.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c)

Dated this 19th day of June 1953.

FLOYD F. HEDLUND,
Representative of the Secretary of Agriculture.

[F. R. Doc. 53-5577; Filed, June 23, 1953; 8:52 a. m.]

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Subchapter C—Loans, Purchases, and Other Operations

[1953 C. C. C. Cotton Bulletin 1]

PART 607—COTTON

SUBPART—1953 COTTON LOAN PROGRAM

1953 COTTON BULLETIN

Correction

In Federal Register Document 53-5438, appearing at page 3517 of the issue for Friday, June 19, 1953, the following changes are made:

1. In the fourth paragraph under § 607.429 (a) "Pontoto" should read "Pontotoc."

2. The table under § 607.430 (a) should be corrected as follows:

a. The eighth headnote under "Staple length (inches)" should read "1 1/16"

b. The figure for White and Extra White, Strict Middling, 1⅛, should read "395" instead of "398"

c. The figure for Spotted, Good Middling, 1 3/32, should read "—5", instead of "—8"

d. The figure for Tinged, Good Middling, 1 3/16, should read "—850", instead of "—550"

e. The figure for Tinged, Good Middling, 1 5/16, should read "—650", instead of "—850"

f. The figure for Tinged, Strict Middling, 15/16, should read "—680" instead of "—650"

g. The figure for Tinged, Strict Middling, 1 1/16, should read "—580" instead of "—520"

h. The figure for Tinged, Low Middling, 15/16, should read "—1465" instead of "—1485"

i. The figure for Gray, Strict Low Middling, 7/8, should read "—825" instead of "—826"

j. The figure for Gray, Strict Low Middling, 1 3/32, should read "—565" instead of "—563"

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 903—MILK IN THE ST. LOUIS, MISSOURI, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area (7 CFR 903), hereinafter referred to as the "order," it is hereby found and determined that the following provisions of § 903.43 (d) (1) of the order do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the period from the effective date hereof through August 1953: "in the counties of Barry, Cedar, Christian, Dallas, Dent, Greene, Howell, Laclede, Lawrence, Miller, Morgan, Newton, Pattis, Phelps, Polk, Pulaska, Texas, Webster, Wright."

Milk production for the St. Louis market is now abnormally high. The plants to which producer milk is normally transferred or diverted for manufacture do not have adequate facilities for handling the large quantities of surplus milk currently being produced for the St. Louis market. The order now provides that milk transferred or diverted more than 110 miles from the St. Louis City Hall or to plants outside specified counties in the production area shall be classified as Class I. The suspension of some of these provisions will enable St. Louis handlers to transfer or divert milk for manufacture to plants beyond these limits within the State of Missouri and classify such surplus milk as Class II through August 31, 1953.

It is hereby found and determined that notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impracticable, unnecessary, and contrary to the public interest, in that (1) the information upon which this action is based did not become available in sufficient time for such compliance, and (2) this action is necessary so that the order will reflect current marketing conditions and facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area. The changes caused by this suspension action do not require of persons affected any preparation which cannot be completed before the effective date hereof.

It is therefore ordered, That the following provisions of § 903.43 (d) (1) of the order be and hereby are suspended from July 1, 1953, through August 1953: "in the counties of

Barry.	Morgan.
Cedar.	Newton.
Christian.	Pettis.
Dallas.	Phelps.
Dent.	Polk.
Greene.	Pulaski.
Howell.	Texas.
Laclede.	Webster.
Lawrence.	Wright."
Miller.	

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 18th day of June 1953, to be effective July 1, 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-5561; Filed, June 23, 1953; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6021]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PHILLIPS, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages or connections*—Organization and operation: § 3.55 *Demand, business or other opportunities;* § 3.75 *Free goods or services;* § 3.205 *Scientific or other relevant facts;* § 3.260 *Terms and conditions.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1955 *Free goods;* § 3.2015 *Opportunities in product or service;* § 3.2063 *Scientific or other relevant facts;* § 3.2080 *Terms and conditions.* In connection with the offering for sale, sale or distribution of freezers in commerce, (1) representing, through the use of such terms as "Phillip's Wholesale Food Plan" or otherwise, that respondents are engaged in the operation of a plan for the purchasing of food; (2) representing, directly or by implication, that such plan is offered for any reason other than the promotion of the sale of respondents' freezers; (3) representing, directly or by implication, that participants in such plan can eliminate the retailer or buy at wholesale prices or from a wholesaler; (4) representing, directly or by implication, that over-all monetary savings may be effected through the general use of frozen foods in place of corresponding foods in other forms; (5) representing, directly or by implication, that any over-all monetary saving can be effected through participation in such plan unless, in immediate connection therewith, the amount of the expenditure for foods available through said plan which is necessary to effect such saving is disclosed; (6) misrepresenting the difference between the price of foods available under the plan and the price of such foods in usual retail channels, or the percentage of food costs which can be saved by participation in such plan; (7) representing that net monetary savings, however expressed, can be effected by the use of freezers purchased from respondents, unless the costs of operation, maintenance and depreciation and, in the event that the freezer is purchased on credit, the costs of such credit are taken into account; (8) representing that the amount of an installment payment on the purchase of a freezer or of a supply of food constitutes a measure of the cost to the participants of food consumed during such installment period; and (9) representing that freezers which must be paid for are free or are gifts; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45)

[Cease and desist order, Phillips, Inc., et al., Washington, D. C., Docket 6021, April 7, 1953]

In the Matter of Phillips, Inc., a Corporation, and Phillip Filderman, Mike Filderman, and William Pinson, Individually and as Officers of said Corporation

This proceeding was instituted by complaint which charged respondents with the use of unfair and deceptive acts and practices in violation of the provisions of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice of Acceptance of Consent Settlement and Order to File Report of Compliance" dated April 14, 1953, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith,[1] was accepted by the Commission on April 7, 1953, subject only to the condition that the respondents comply with the requirements of the following paragraph with respect to the filing of a report showing the manner and form in which they have complied with the order to cease and desist; and subject to such condition, said consent settlement was ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

It is accordingly ordered, That the respondents, Phillips, Inc., a corporation, and Phillip Filderman, Mike Filderman and William Pinson, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this notice and order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the consent settlement entered herein.

Said order to cease and desist, thus entered of record, following the findings as to the facts and conclusion, reads as follows:

It is ordered, That respondents, Phillips, Inc., a corporation, and its officers, and Phillip Filderman, Mike Filderman

[1] Filed as part of original document.

and William Pinson, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of freezers in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, through the use of such terms as "Phillips' Wholesale Food Plan" or otherwise, that they are engaged in the operation of a plan for the purchasing of food.

2. Representing, directly or by implication, that such plan is offered for any reason other than the promotion of the sale of respondents' freezers.

3. Representing, directly or by implication, that participants in such plan can eliminate the retailer or buy at wholesale prices or from a wholesaler.

4. Representing, directly or by implication, that over-all monetary savings may be effected through the general use of frozen foods in place of corresponding foods in other forms.

5. Representing, directly or by implication, that any over-all monetary saving can be effected through participation in such plan unless, in immediate connection therewith, the amount of the expenditure for foods available through said plan which is necessary to effect such saving is disclosed.

6. Misrepresenting the difference between the price of foods available under the plan and the price of such foods in usual retail channels, or the percentage of food costs which can be saved by participation in such plan.

7. Representing that net monetary savings, however expressed, can be effected by the use of freezers purchased from respondents, unless the costs of operation, maintenance and depreciation and, in the event that the freezer is purchased on credit, the costs of such credit, are taken into account.

8. Representing that the amount of an installment payment on the purchase of a freezer or of a supply of food constitutes a measure of the cost to the participants of food consumed during such installment period.

9. Representing that freezers which must be paid for are free or are gifts.

The foregoing consent settlement is hereby accepted by the Federal Trade Commission and ordered entered of record on this the 7th day of April 1953, subject only to the condition that the respondents shall, within sixty (60) days after service upon them of a copy of this consent settlement, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in said consent settlement.

Issued: April 14, 1953.

By direction of the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 53-5569; Filed, June 23, 1953; 8:49 a. m.]

[Docket 6059]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SEYMOUR DRESS & BLOUSE COMPANY

Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition,* § 3.1890 *Safety.* In connection with the offering for sale, sale and distribution in commerce, of dresses or any other garments, (1) offering for sale or selling any garments composed in whole or in part of rayon without clearly disclosing thereon, or on tags or labels affixed thereto, such rayon content; and (2) offering for sale or selling any garments made of highly inflammable materials without clearly and affirmatively disclosing thereon, or on tags or labels affixed thereto, that said garments are highly inflammable and are dangerous and unsafe to be worn as articles of clothing; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Isidore Sandberg et al. t. a. Seymour Dress & Blouse Company, New York, N. Y., Docket 6059, April 2, 1953]

In the Matter of Isidore Sandberg and Seymour Sandberg, Individually and as Partners, Trading as Seymour Dress & Blouse Company

This proceeding was heard by J. Earl Cox, hearing examiner, upon the complaint of the Commission, respondents' answer, and a hearing before said examiner, theretofore duly designated by the Commission, at which a stipulation was entered into by and between attorney for respondents and attorney in support of the complaint, subject to the approval of said examiner, whereby it was stipulated and agreed that a statement of facts agreed to on the record might be made a part of the record in the matter and might be taken as the facts in the proceeding, and in lieu of evidence in support of the charges stated in the complaint or in opposition thereto.

Said stipulation further provided that said examiner might proceed upon said statement of facts to make his initial decision, stating his findings as to the facts, including inferences which he might draw from the said stipulation of facts, and his conclusion based thereon, and enter his order disposing of the proceeding as to said respondents without the filing of proposed findings and conclusions or the presentation of oral argument, and that upon appeal to or review by the Commission, said stipulation might be set aside by it and the matter remanded for further proceedings under the complaint.

Thereafter the proceeding regularly came on for final consideration by said examiner upon the complaint, answer, and stipulation, which had been approved by said examiner, who, after duly considering the record in the matter, and finding that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

[1] Filed as part of original document.

No appeal having been filed from said initial decision of said hearing examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on April 2, 1953.

Said order to cease and desist is as follows:

It is ordered, That the respondents Isidore Sandberg and Seymour Sandberg, individually and trading and doing business as Seymour Dress & Blouse Company, or under any other name or names, and their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of dresses or any other garments, do forthwith cease and desist from:

1. Offering for sale or selling any garments composed in whole or in part of rayon without clearly disclosing thereon, or on tags or labels affixed thereto, such rayon content.

2. Offering for sale or selling any garments made of highly inflammable materials without clearly and affirmatively disclosing thereon, or on tags or labels affixed thereto, that said garments are highly inflammable and are dangerous and unsafe to be worn as articles of clothing.

By "Decision of the Commission and order to file report of compliance", Docket 6059, March 31, 1953, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered that the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 31, 1953.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 53-5568; Filed, June 23, 1953; 8:49 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANT ALIENS UNDER THE IMMIGRATION AND NATIONALITY ACT

Correction

In Federal Register Document 53-5285, appearing at page 3410 of the issue for Saturday, June 13, 1953, the phrase "who as a residence" in the seventeenth line of § 41.101 (b) should read "who has a residence"

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 6021; Regs. 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

TAX TREATMENT OF COAL ROYALTIES

On December 4, 1952, notice of proposed rule making conforming Regulations 111 (26 CFR Part 29) to section 325 of the Revenue Act of 1951, approved October 20, 1951, was published in the FEDERAL REGISTER (17 F R. 10969) No objection to the rules proposed having been received, the amendments set forth below are hereby adopted.

PARAGRAPH 1. Section 29.23 (m)–1, as amended by Treasury Decision 5461, approved July 9, 1945, is further amended as follows:

(A) By amending the second sentence of paragraph (b) thereof to read as follows: "However, no depletion deduction shall be allowed the owner with respect to any timber or coal which such owner has disposed of under any form of contract by virtue of which he retains an economic interest in such timber or coal, if such disposal is considered a sale of timber or coal under section 117 (k) (2) of the Code."

(B) By adding at the end of paragraph (f) thereof the following undesignated paragraph:

Rents and royalties paid or incurred by a taxpayer with respect to coal shall be excluded from the "gross income from the property" without regard to the treatment under section 117 (k) (2) of such rents and royalties in the hands of the recipient.

PAR. 2. Section 29.102–4, as amended by Treasury Decision 5989, approved February 16, 1953, is further amended by inserting immediately preceding the last paragraph thereof the following undesignated paragraph:

In determining "section 102 net income" section 117 (k) (2) in the case of coal, shall have no application. See § 29.117–8 (c)

PAR. 3. Section 29.113 (a) (14)–1, as amended by Treasury Decision 5394, approved July 27, 1944, is further amended by inserting in the second sentence of paragraph (b) thereof after "determination of loss upon timber" the following: "or coal"

PAR. 4. There is inserted immediately preceding § 29.117–1 the following:

SEC. 325. TAX TREATMENT OF COAL ROYALTIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Definition of property used in the trade or business.* Section 117 (j) (1) (relating to the definition of property used in the trade or business) is hereby amended by adding after the word "timber" in the second sentence thereof the following: "or coal"

(b) *Gain or loss upon certain disposals of timber or coal.* Section 117 (k) (2) (relating to the disposal of timber) is hereby amended to read as follows:

(2) In the case of the disposal of timber or coal (including lignite), held for more than 6 months prior to such disposal, by the owner thereof under any form or type of contract by virtue of which the owner retains an economic interest in such timber or coal, the difference between the amount received for such timber or coal and the adjusted depletion basis thereof shall be considered as though it were a gain or loss, as the case may be, upon the sale of such timber or coal. Such owner shall not be entitled to the allowance for percentage depletion provided for in section 114 (b) (4) with respect to such coal. This paragraph shall not apply to income realized by the owner as a co-adventurer, partner, or principal in the mining of such coal. The date of disposal of such coal shall be deemed to be the date such coal is mined. In determining the gross income, the adjusted gross income, or the net income of the lessee, the deductions allowable with respect to rents and royalties shall be determined without regard to the provisions of this paragraph. This paragraph shall have no application, in the case of coal, for the purposes of applying section 102 or subchapter A of chapter 2 (including the computation under section 117 (c) (1) of a tax in lieu of the tax imposed by section 500).

(c) *Clerical amendment.* The heading to section 117 (k) (relating to the gain or loss upon the cutting of timber) is hereby amended to read as follows: "*(k) Gain or loss in the case of timber or coal.*"

* * * * *

(f) *Effective date.* * * * the amendments made by this section shall be applicable only with respect to taxable years ending after December 31, 1950 (whether the contract was made on, before, or after such date), but shall apply only with respect to amounts received or accrued after such date.

PAR. 5. Section 29.117–3 as amended by Treasury Decision 5951, approved December 2, 1952 is further amended by adding at the end the following new paragraph (d)

(d) Where amounts are received or accrued after December 31, 1950, from the disposal of coal to which the provisions of section 117 (k) (2) are applicable, the computation under section 117 (c) (1) of a tax in lieu of the tax imposed by section 500 shall be made without regard to section 117 (k) (2), that is, the partial tax under section 117 (c) (1) (A) insofar as it involves the tax under section 500, is computed without regard to section 117 (k) (2)

PAR. 6. Section 29.117–7 as amended by Treasury Decision 5980 aproved February 3, 1953 is further amended by adding after the word "timber" in subdivision (iii) of paragraph (a) (1) thereof, the phrase " or disposal of coal,"

PAR. 7. Section 29.117–8, as added by Treasury Decision 5394, approved July 27, 1944, is amended as follows:

(A) By amending the headnote to read as follows:

§ 29.117–8 *Gain or loss upon the cutting and disposal of timber and the disposal of coal.* * * *

(B) By adding at the end thereof the following new paragraph (c)

(c) *Gain or loss upon the disposal of coal.* (1) With respect to taxable years ending after December 31, 1950, but only with respect to amounts received or accrued after such date, if a taxpayer disposes of coal (including lignite) held for more than six months prior to such disposal, under any form or type of contract whereby he retains an economic interest in such coal, the difference between the amount received for such coal and the adjusted depletion basis thereof under section 114 (b) (1) shall be considered to be a gain or loss upon the sale of such coal.

(2) The adjusted depletion basis under section 114 (b) (1), for the purpose of this section, includes adjustments for development and exploration expenditures and for deductions under section 113 (b) (1) (J) and (M) For the purpose of this section, the date of disposal of the coal shall be deemed to be the date the coal is mined. If the coal has been held for more than six months on the date that it is mined, it is immaterial that it had not been held for more than six months on the date of the contract. For the purpose of section 117 (j), such coal shall be considered to be property used in the trade or business, along with other property of the taxpayer used in the trade or business as defined in section 117 (j) (1). Whether gain or loss resulting from the disposition of the coal will be deemed to be gain or loss resulting from the sale of a capital asset held for more than six months will depend upon the application of section 117 (j) to that and other transactions of the taxpayer.

(3) There shall be no allowance for percentage depletion provided for in section 114 (b) (4) with respect to amounts received any part of which are considered to be received from the sale of coal under section 117 (k) (2) In computing the gross income, adjusted gross income, or the net income of the lessee, the deductions allowable with respect to rents and royalties shall be determined without regard to the provisions of section 117 (k) (2). Section 117 (k) (2) shall have no application with respect to amounts received by a taxpayer as a coadventurer, partner, or principal in the mining of coal.

(4) To the extent any advance payments are treated, under section 117 (k) (2) as received from the sale of coal for any taxable year, and the grant of the coal rights for which such payments are made expires, terminates, or is abandoned in a later taxable year before the coal which has been paid for has been mined, the grantor shall recompute the tax liability for the prior taxable year and treat such payments to such extent as not received from the sale of the coal; such recomputation should be in the form of an "amended return" if necessary.

PAR. 8. There is inserted immediately preceding § 29.481–1 the following:

SEC. 325. TAX TREATMENT OF COAL ROYALTIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(d) *Technical amendment.* Section 481 (a) (4) is hereby amended by striking out "cutting or disposal of timber" and inserting in lieu thereof "cutting of timber, or the disposal of timber or coal,"

* * * * *

(f) *Effective date.* * * * the amendments made by this section shall be applicable only with respect to taxable years ending after December 31, 1950 (whether the contract was made on, before, or after such date), but shall apply only with respect to amounts received or accrued after such date.

PAR. 9. Section 29.481–1, as added by Treasury Decision 5855, approved September 13, 1951, is amended by adding after "timber," in paragraph (c) (4) (ii) thereof, the phrase "or disposal of coal,"

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: June 18, 1953.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 53-5573; Filed, June 23, 1953; 8:50 a. m.]

[T. D. 6022; Regs. 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

GAINS FROM SALE OR EXCHANGE OF CERTAIN PROPERTY BETWEEN SPOUSES OR BETWEEN AN INDIVIDUAL AND A CONTROLLED CORPORATION

On November 22, 1952, notice of proposed rule making with respect to amendments to conform Regulations 111 to section 328 of the Revenue Act of 1951, approved October 20, 1951, relating to treatment of gain on sales of certain property between spouses and between an individual and a controlled corporation, was published in the FEDERAL REGISTER (17 F. R. 10649). No objections to the proposed rules having been received, the amendments to Regulations 111 (26 CFR Part 29) set forth below are hereby adopted:

PARAGRAPH 1. There is inserted immediately preceding § 29.117–1 the following:

SEC. 328. TREATMENT OF GAIN ON SALES OF CERTAIN PROPERTY BETWEEN SPOUSES AND BETWEEN AN INDIVIDUAL AND A CONTROLLED CORPORATION (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Disallowance of capital gain treatment.* Section 117 (relating to capital gains and losses) is hereby amended by adding at the end thereof the following new subsection:

(o) *Gain from sale of certain property between spouses or between an individual and a controlled corporation*—(1) *Treatment of gain as ordinary income.* In the case of a sale or exchange, directly or indirectly, of property described in paragraph (2)—

(A) Between a husband and wife; or

(B) Between an individual and a corporation more than 80 per centum in value of the outstanding stock of which is owned by such individual, his spouse, and his minor children and minor grandchildren;

any gain recognized to the transfer or from the sale or exchange of such property shall be considered as gain from the sale or exchange of property which is neither a capital asset nor property described in subsection (j).

(2) Subsection applicable only to sales or exchanges of depreciable property. This subsection shall apply only in the case of a sale or exchange of property by a transferor which in the hands of the transferee is property of a character which is subject to the allowance for depreciation provided in section 23 (l).

(b) *Effective date.* The amendment made by subsection (a) shall be applicable with respect to taxable years ending after April 30, 1951, but shall apply only with respect to sales or exchanges made after May 3, 1951.

PAR. 2. There is added after § 29.117–12, as added by Treasury Decision 6013, approved May 25, 1953, the following new section:

§ 29.117–13 *Gain from sale or exchange of certain property between spouses or between an individual and a controlled corporation.* Section 117 (o) provides that any gain recognized to the transferor from the sale or exchange, directly or indirectly, between a husband and wife or between an individual and a controlled corporation, of property which, in the hands of the transferee, is property of a character subject to the allowance for depreciation provided in section 23 (l) (including such property with respect to which a deduction for amortization is allowable under section 23 (t)) shall be considered as gain from the sale or exchange of property which is neither a capital asset nor property described in section 117 (j). This rule is applicable for taxable years ending after April 30, 1951, but only with respect to sales or exchanges made after May 3, 1951. For the purpose of section 117 (o) a corporation is controlled when more than 80 percent in value of all outstanding stock of the corporation is owned (whether legal ownership or beneficial ownership) by the taxpayer, his spouse, and his minor children and minor grandchildren. For the purpose of this rule, the terms "children" and "grandchildren" include stepchildren and legally adopted children. The provisions of section 117 (o) are applicable whether the property be transferred from the corporation to the shareholder or from the shareholder to the corporation.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: June 19, 1953.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 53-5574; Filed, June 23, 1953; 8:51 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

[Child Labor Regulation No. 34]

PART 4—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

SUBPART B—ACCEPTANCE OF STATE CERTIFICATES

§ 4.21 *Designation of States.* Pursuant to the provisions of Subpart A of this part (Child Labor Regulation No. 1), the following States are hereby designated as States in which State age, employment, or working certificates or permits shall have the same force and effect as Federal certificates of age under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060 as amended; 29 U. S. C. 201)

Alabama.	Nebraska.
Arizona.	Nevada.
Arkansas.	New Hampshire.
California.	New Jersey.
Colorado.	New Mexico.
Connecticut.	New York.
Delaware.	North Carolina.
District of Columbia.	North Dakota.
Florida.	Ohio.
Georgia.	Oklahoma.
Hawaii.	Oregon.
Illinois.	Pennsylvania.
Indiana.	Puerto Rico.
Iowa.	Rhode Island.
Kansas.	South Dakota.
Kentucky.	Tennessee.
Louisiana.	Utah.
Maine.	Vermont.
Maryland.	Virginia.
Massachusetts.	Washington.
Michigan.	West Virginia.
Minnesota.	Wisconsin.
Missouri.	Wyoming.
Montana.	

This designation shall be effective from July 1, 1953, until June 30, 1954, unless amended or revoked prior to such date.

(Secs. 3, 11, 52 Stat. 1060, as amended, 1066, as amended; 29 U. S. C. 203, 211)

Signed at Washington, D. C., this 16th day of June 1953.

MARTIN P. DURKIN,
Secretary of Labor

[F. R. Doc. 53-5547; Filed, June 23, 1953; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 53-28]

PART 8—REGULATIONS, UNITED STATES COAST GUARD RESERVE

MISCELLANEOUS AMENDMENTS

By virtue of the authority contained in the act approved July 9, 1952 (66 Stat. 481) the following amendments are hereby prescribed and shall become effective upon publication in the FEDERAL REGISTER.

GENERAL—ADMINISTRATION AND ORGANIZATION

POLICY

1. Section 8.1106 (a), (b), and (c) is amended to read as follows:

§ 8.1106 *Organization of the Reserve.* The Coast Guard Reserve shall be composed of the following categories:

(a) *Ready Reserve.* The Ready Reserve shall be composed of units or members, or both, who are liable for active duty either in time of war, in time of national emergency declared by the Congress or proclaimed by the President, or when otherwise authorized by law.

(b) *Standby Reserve.* (1) The Standby Reserve shall be composed of units or members, or both, who are liable for active duty only in time of war or national emergency declared by the

Congress, or when otherwise authorized by law.

(2) Within the Standby Reserve, an officer and enlisted Inactive Status List shall be maintained upon which shall appear the names of those members whom the Commandant has transferred thereto in accordance with the regulations contained in this part.

(c) *Retired Reserve.* The Retired Reserve shall be composed of those members whose names are placed on reserve retired lists established pursuant to the act of July 9, 1952 (66 Stat. 481) which lists are hereby established and are in addition to all other Coast Guard Reserve retired lists heretofore established.

(66 Stat. 481)

2. New sections are hereby added as follows:

TRANSFERS TO AND PLACEMENT IN RESERVE CATEGORIES

Sec.
8.4401 Assignment to Ready Reserve.
8.4402 Assignment to Standby Reserve.
8.4403 Anniversary year defined.
8.4404 Accredited training program.
8.4405 Satisfactory participation in accredited training program.

AUTHORITY: §§ 8.4401 to 8.4405 issued under 66 Stat. 481.

§ 8.4401 *Assignment to Ready Reserve.* (a) The following Reservists shall be placed in or transferred to the Ready Reserve by the Commandant:

(1) All personnel required to serve in the Reserve pursuant to law.

(2) All personnel who are members of units organized for the purpose of serving as units and which are designated by the Commandant as units in the Ready Reserve.

(3) All personnel in an active status on January 1, 1953.

(4) All personnel who acquire membership subsequent to January 1, 1953.

(b) All Reservists who make request therefor may be placed in or transferred to the Ready Reserve by the Commandant: *Provided,* That there are vacancies therein and that they are found to be qualified therefor by the Commandant.

The Commandant is authorized to require such personnel to agree to remain in the Ready Reserve for a stated period of time not to exceed one year.

§ 8.4402 *Assignment to Standby Reserve.*—(a) *Active status.* (1) Except in time of war or national emergency declared by the Congress subsequent to January 1, 1953, the following members of the Ready Reserve except those serving under an agreement to remain therein for a period of one year, shall be placed in or transferred to the Standby Reserve in an active status by the Commandant:

(i) Upon their request, personnel on inactive duty who have served on active duty in the Armed Forces for not less than a total of five years. Such service need not be continuous.

(ii) Upon their request, personnel on inactive duty who have served on active duty in the Armed Forces of the United States for not less than twelve months between December 7, 1941 and September 2, 1945 and for an additional period of not less than twelve months subsequent to June 25, 1950. Such service need not be continuous.

(iii) Upon their request, personnel on inactive duty who have served as a member of one or more Reserve components for not less than eight years subsequent to September 2, 1945. Such service need not be continuous.

(iv) Upon their request, personnel on inactive duty who, having served on active duty for a total of less than five years, have satisfactorily participated as determined by the Commandant in Reserve duty in any accredited training program as prescribed in § 8.4405 for a period which, when added to their periods of active duty, totals not less than five years. However, after January 1, 1953 such participation must be as a member of the Ready Reserve. Such service need not be continuous.

(v) Upon a determination by the Commandant that a reduction in strength of the Ready Reserve is necessary to insure compliance with any personnel ceiling imposed pursuant to law, personnel who are not required by law to remain members of the Reserve.

(2) The Commandant may transfer any personnel of the Ready Reserve on inactive duty who are not required by law to remain members of the Ready Reserve to the Standby Reserve for any one or more of the following reasons:

(i) Upon his determination that a reduction in strength is necessary or desirable due to budgetary limitations or a lack of facilities.

(ii) Upon his determination that billets in the Ready Reserve should be made available to personnel required by law to be placed in the Ready Reserve.

(iii) Upon his determination that personnel concerned are not participating sufficiently to justify retention in the Ready Reserve.

(3) Personnel on inactive duty who have been assigned to the Ready Reserve pursuant to their request with or without an agreement to remain therein for a stated period, may be transferred to the Standby Reserve by the Commandant at any time.

(b) *Inactive Status List.* (1) Members who on January 1, 1953, were on the Inactive Status List created by Title III of the act of June 29, 1948, as amended (62 Stat. 1087) shall be deemed to have retained such inactive status unless and until removed therefrom in accordance with the regulations contained in this part.

(2) When deemed by the Commandant to be in the best interests of the Coast Guard, he may transfer personnel in the Standby Reserve on inactive duty who are not required to remain members of a reserve component and who are unable to participate in prescribed training to the Inactive Status List, provided that persons who qualify for retirement under Title III of the act of June 29, 1948, as amended (62 Stat. 1087), except for age, may still be placed on the Inactive Status List as provided in that act.

(c) *Restoration to an active status.* Personnel assigned to the Inactive Status List of the Standby Reserve may be transferred by the Commandant to the Standby Reserve in an active status or to the Ready Reserve upon request therefor and provided that vacancies exist within their grades or rates and specialties. The Commandant may require that personnel requesting restoration to an active status indicate the nature and extent of training activities in which they are able and plan to participate.

§ 8.4403 *Anniversary year defined.* As used in §§ 8.4404 and 8.4405, anniversary year is defined as follows:

(a) For persons who were members of a Reserve component of the Armed Forces on 1 July 1949 and so long as they remain continuously in a Federal service status, an anniversary year commences on July 1 of each year and terminates on June 30 of the following year.

(b) For persons who become members of a Reserve component or otherwise enter into a Federal service status subsequent to July 1, 1949, and so long as they remain continuously in such status, an anniversary year commences on the date such status attaches and terminates on the day preceding the anniversary of this date.

(c) For persons who have incurred a break in Federal service and who subsequently becomes members of the Coast Guard Reserve, an anniversary year commences on the date they accept such membership and terminates on the day preceding the anniversary of this date.

§ 8.4404 *Accredited training program.* For the purpose of meeting service requirements to qualify for transfer from the Ready Reserve to the Standby Reserve under § 8.4402 (a) (1) (iv) the following are prescribed as accredited Reserve training programs:

(a) *Prior to July 1, 1949.* Membership in a Reserve component of any of the Armed Forces.

(b) *Between July 1, 1949, and the anniversary date first occurring subsequent to June 30, 1953.* Any training program authorized by the Commandant which afforded a Reservist the opportunity to earn a minimum of fifty retirement points per anniversary year under the provisions of Title III of the act of June 29, 1948, as amended (62 Stat. 1087)

(c) *Subsequent to the anniversary date first occurring after June 30, 1953.* Any training program authorized by the Commandant which affords the Reservist the opportunity to perform a minimum of fourteen days active duty for training in addition to the opportunity to earn a minimum of fifty retirement points per anniversary year under the provisions of Title III of the act of June 29, 1948, as amended (62 Stat. 1087) In the event the Commandant determines that it is not practicable to incorporate fourteen days active duty for training into a training program due to insufficient funds or facilities, or for other cogent reasons, the lack of this requirement shall not affect the accreditation of such a training program.

§ 8.4405 *Satisfactory participation in accredited training program.* For the purpose of meeting service requirements to qualify for transfer from the Ready Reserve to the Standby Reserve under

§ 8.4402 (a) (1) (iv) the following is prescribed as satisfactory participation in an accredited training program:

(a) *Prior to July 1, 1949.* Membership in a reserve component of any of the Armed Forces.

(b) *Between July 1, 1949, and the anniversary date first occurring subsequent to June 30, 1953.* Membership in an accredited training program on inactive duty and the earning of a minimum of fifty retirement points per anniversary year under the provisions of Title III of the act of June 29, 1948, as amended (62 Stat. 1087)

(c) *Subsequent to the anniversary date first occurring after June 30, 1953.* (1) Membership in any training unit of an accredited training program and attendance at a minimum of twenty-one periods of inactive duty training conducted by any such unit plus the performance of a minimum of fourteen days of active duty for training per anniversary year.

(2) If the cognizant District Commander certifies that membership in a training unit of any Reserve component is not available because of billet structure or geographic location:

(i) Attendance at a minimum of twenty-one periods of appropriate duty and one fourteen day period of active duty for training per anniversary year, or

(ii) Completion of a minimum of twenty-one point credits in approved correspondence courses of the Armed Forces and one fourteen day period of active duty for training per anniversary year.

(d) *Reduction or waiver of active duty requirement.* In the event the Commandant determines that it is not practicable to require that members of the Ready Reserve perform fourteen days' active duty for training in any anniversary year due to insufficient funds or facilities, or for other cogent reasons, or for reasons of personal hardship, he may reduce or waive this requirement for all or any part of the Ready Reserve.

(e) *Pro rata credit for inactive duty training.* Subsequent to June 30, 1949, inactive Reserve training in scheduled drills, equivalent instruction or duty, appropriate duty, active duty for training, or completion of correspondence courses, as appropriate, shall be creditable on a monthly basis if the Reservist earns a minimum of three points per month (exclusive of the annual fifteen point credits given for membership in the Reserve) under the provisions of Title III of the act of June 29, 1948, as amended (62 Stat. 1087) and provided that such Reservist held membership in a Reserve component for the entire month in which such points are sought to be credited.

(f) *Credit upon transfer to Coast Guard Reserve.* For purposes of this section, and upon transfer of personnel to the Coast Guard Reserve from another Armed Force, any service held to be satisfactory participation in an accredited training program in the losing Armed Force shall be creditable toward transfer to the Standby Reserve of the Coast Guard Reserve.

[SEAL] H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

Approved: May 14, 1953.

Concurred in:

C. S. THOMAS,
Acting Secretary of the Navy.

[F. R. Doc. 53-5575; Filed, June 23, 1953; 8:51 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicles

[Ex Parte No. MC-43]

PART 207—LEASE AND INTERCHANGE OF VEHICLES

AUGMENTING EQUIPMENT

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 10th day of June A. D. 1953.

Upon further consideration of the record in the above-entitled proceeding; and of:

(1) Petition of Movers Conference of America, dated March 28, 1953, for stay of order of May 8, 1951, reconsideration and exemption from leasing and interchange rules of equipment used in the transportation of household goods;

(2) Petition of Greyvan Lines, Inc., dated March 24, 1953, for exemption from rules, other than those relative to inspection and identification of equipment;

(3) Petition of Atlas Van Lines, Inc., and 48 others, dated January 26, 1953, for exemption from § 207.4 (a) (5) of the rules, pending determination of No. MC-F-5348, Atlas Van Lines, Inc.—Pooling.

(4) Reply of Class I Railroads of America, dated April 2, 1953, to the extent applicable to the above petitions;

(5) Reply of International Brotherhood of Teamsters-Chauffeurs-Warehousemen & Helpers of America, filed April 6, 1953, to the extent applicable to the above petitions;

It appearing, that it is desirable in the public interest to defer the effectiveness of certain of the rules and regulations prescribed herein by order of May 8, 1951, as subsequently modified by our orders of May 18, 1953, insofar as the same may apply to the lease and interchange of equipment by authorized carriers of household goods as defined by the Commission, pending further study of the effect of such rules and regulations upon the operations of such carriers; and good cause appearing therefor:

It is ordered, That the order entered in this proceeding May 8, 1951, as modified by our order of May 18, 1953, to become effective September 1, 1953, except paragraphs (c) (d) and (e) of § 207.4 be, and the same is hereby, further modified, but only insofar as the same applies to authorized carriers of household goods, as defined by this Commission, to become effective July 1, 1954;

It is further ordered, That this order shall become effective on September 1, 1953.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C. and by filing a copy with the director, Division of the Federal Register.

(49 Stat. 546, as amended, 49 U. S. C. 304)

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-5572; Filed, June 23, 1953; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 993]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

RESULTS OF REFERENDUM ON TERMINATION OF AMENDED ORDER

Notice was published in the FEDERAL REGISTER on May 16, 1953 (18 F. R. 2865), directing that a referendum be conducted among producers who, during the determined representative period of August 1, 1952, through April 30, 1953, were engaged in the State of California in the growing of prune plums for the production of dried prunes in said State for market to determine whether such producers favored the termination of Marketing Order No. 93, as amended (7 CFR, 1952 Rev., Part 993) regulating the handling of dried prunes produced in California, which order is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) The holding of said referendum had been recommended by the majority of the producer members of the Prune Administrative Committee, the administrative agency for this program, and the referendum proceedings were held pursuant to the provisions of § 993.90 (b) of the aforesaid amended order.

The votes cast in said referendum have now been tabulated and it has been found therefrom that the continuance of the amended order was favored by 93.14 percent of the number of the producers who voted in said referendum, and who produced 83.85 percent of the volume of the production which was represented in the voting. Accordingly, the amended order and the companion amended Marketing Agreement No. 110 will be continued in effect.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. Sup. 608c)

Done at Washington, D. C., this 19th day of June 1953.

[SEAL] E. T. BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-5576; Filed, June 23, 1953; 8:51 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket Nos. G-1473, G-1649, G-1693, G-1727, G-1737]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

NOTICE OF ORDER AMENDING ORDER ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 18, 1953.

In the matters of Texas Eastern Transmission Corporation, Docket No. G-1693; Alabama-Tennessee Natural Gas Company, Docket No. G-1473; Tennessee Gas Company, Docket No. G-1649; Shippensburg Gas Company, Docket No. G-1727· Consumers Gas Company, Docket No. G-1737.

Notice is hereby given that on June 18, 1953, the Federal Power Commission issued its order adopted June 16, 1953, amending order (17 F. R. 6287) issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-5548; Filed, June 23, 1953; 8:45 a. m.]

[Project No. 1123]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF ORDER ACCEPTING SURRENDER OF LICENSE

JUNE 18, 1953.

Notice is hereby given that on June 17, 1953, the Federal Power Commission issued its order adopted June 16, 1953, accepting surrender of license (Transmission Line) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-5549; Filed, June 23, 1953; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Dissolution Order 101]

METAKAY REALTY CORPORATION

Whereas, under the authority of the Trading with the Enemy Act, as amended (50 U. S. C. App. 1 et seq.) Executive Order 9193, as amended (3 CFR, 1943 Cum. Supp., 3 CFR, 1945 Supp.) and Executive Order 9788 (3 CFR, 1946 Supp.) 40 shares of $100 par value common stock of Metakay Realty Corporation, a New York corporation (hereinafter, "corporation") being all of the issued and outstanding stock of the corporation, were vested in the Attorney General of the United States by Vesting Order 8029 (12 F R. 1035, February 13, 1947)

Now, therefore, under the authority aforesaid, after investigation:

I. It having been determined that it is in the national interest of the United States that the corporation be dissolved and that its assets be distributed, and a Certificate of Dissolution having been issued by the Secretary of State of the State of New York on May 19, 1953 certifying to the dissolution of the corporation; and

II. It is hereby found that there are no known debts of the corporation and that the known assets of the corporation are cash in the sum of $8,772.80; and

It is hereby ordered, That the officers and directors of the corporation (to wit: C. Gordon Lamude, Director; Guy T. Reid, President, Treasurer and Director; Clarence S. Smith, Vice-President and Director; Oliver E. Nickerson, Secretary, and their successors, or any of them) continue the proceedings for the dissolution and liquidation of the corporation: *And it is hereby further ordered,* That the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

1. They shall first pay the current expenses and necessary charges in effecting the dissolution of the corporation and the winding up of its affairs,

2. They shall then pay all Federal, State and local taxes and fees owed by or accruing against the corporation, if any, and

3. They shall then pay over, transfer, assign and deliver to the Attorney General of the United States all of the funds referred to in subparagraph II hereof, including after discovered assets, remaining in their hands after the payments as provided in subparagraphs 1 and 2 hereof, the same to be applied, first, in satisfaction of such claim, if any, as he may have for moneys advanced or services rendered to or on behalf of the corporation and, second, as a liquidating distribution of assets to the Attorney General of the United States as holder of all the issued and outstanding stock of the corporation, and

It is hereby further ordered, That nothing herein set forth shall be construed as prejudicing the rights, under the Trading With the Enemy Act, as amended, of any person who may have a claim against the corporation to file such claim with the Attorney General of the United States hereunder: *Provided, however* That nothing herein contained shall be construed as creating additional rights in such person: *Provided, further,* That any such claim against the corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading With the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto: *And it is hereby further ordered,* That all actions taken and acts done by the said officers and directors of the corporation, pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to section 5 (b) (2) of the Trading With the Enemy Act, as amended (50 U. S. C. App. 5), and the acquittance and exculpation provided therein.

Executed at Washington, D. C., on June 18, 1953.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 53-5571; Filed, June 23, 1953; 8:50 a. m.]

[Vesting Order 19264, Amdt.]

MAGDA MARIA BIORNSEN

In re: Securities owned by Magda Maria Biornsen.

Vesting Order 19264, dated April 13, 1953, is hereby amended as follows and not otherwise: By deleting from subparagraph 2 (b) of the aforesaid Vesting Order 19264 the number "057190" with respect to dividend coupons detached from Reichsmark shares and substituting therefor the number "0578190"

All other provisions of said Vesting Order 19264, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 19, 1953.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 53-5570; Filed, June 23, 1953; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-1130]

DAKOTA-MONTANA OIL LEASEHOLDS, INC.

ORDER VACATING ORDER OF SUSPENSION UPON AMENDMENT

JUNE 18, 1953.

In the matter of the notification, Dakota-Montana Oil Leaseholds, Inc., File No. 24D-1130.

Dakota-Montana Oil Leaseholds, Inc., filed, on May 1, 1953, with the Commission a notification on Form 1-A relating to a proposed public offering of 300,000 shares of its common stock, 50 cents par value) at $1 per share for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof, and Regulation A promulgated thereunder.

The Commission, on May 29, 1953, ordered, pursuant to Rule 223 (a) of the general rules and regulations under said act, that the conditional exemption

under Regulation A be suspended for failure to disclose in the offering circular the pendency of, and the basis for, the proceedings under section 15 (b) and 15A of the Securities Exchange Act of 1934 against Weber-Millican Co., the proposed underwriter; and gave notice that, upon receipt of a written request, the matter would be set down for hearing within twenty days after receipt of such request at a place to be designated by the Commission, for the purpose of determining whether said order of suspension should be vacated.

Dakota-Montana Oil Leaseholds, Inc. on June 2, 1953, cancelled its underwriting agreement with Weber-Millican Co. The Commission has been advised that general releases have been exchanged between Weber-Millican Co. and Dakota-Montana Oil Leaseholds, Inc., releasing the latter from all liability under said underwriting agreement. The notification has been amended to indicate that the issuer has entered into an underwriting agreement with another underwriter.

It appearing to the Commission that the basis for the order of suspension, as aforesaid, no longer exists:

It is ordered, Pursuant to Rule 223 (b) of the general rules and regulations under the Securities Act of 1933, as amended, that the aforesaid order suspending the exemption be, and it hereby is, vacated.

It is further ordered, That this order shall be served upon Dakota-Montana Oil Leaseholds, Inc., and Weber-Millican Co., personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-5558; Filed, June 23, 1953; 8:47 a. m.]

[File No. 54-202]

ALABAMA POWER CO. ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

JUNE 18, 1953.

In the matter of Alabama Power Company, Birmingham Electric Company, The Southern Company, File No. 54-202.

The Commission, by order dated October 21, 1952, having approved the Amended Plan ("Plan") filed pursuant to section 11 (e) of the act providing for the merger of Alabama Power Company ("Alabama") and Birmingham Electric Company ("Birmingham") with Alabama as the surviving corporation; Alabama and Birmingham being subsidiaries of The Southern Company ("Southern") a registered holding company, and Southern having joined in said Plan to the extent necessary to permit consummation thereof; and

Said order of October 21, 1952, having, as one of the terms and conditions under which such approval was given, provided that Alabama, Birmingham and Southern shall pay only such fees and expenses in connection with the Plan and the proceedings relating thereto as the Commission may approve on appropriate application made to it; and

Requests for allowances of fees and expenses and the proposed allocation thereof having been submitted as set forth below:

	Allocated to—	Amount requested or paid	
		Fees	Expenses
Winthrop, Stimson, Putnam & Roberts—Legal services.	Alabama...	$30,000	$843.14
Southern Services, Inc.—Miscellaneous services.	....do....	2,000	.....
Do	Southern...	500	.....
New York Stock Exchange—Listing of additional shares of common stock of Southern.	....do....	250	.....
Guaranty Trust Co. of New York—Transfer agent.	....do....	(1)	.....
Bankers Trust Co.—Registrar.	....do....	(2)	.....
First National Bank of Birmingham—Registrar for preferred stock of Alabama.	Alabama...	(3)	.....

[1] The charge for acting as transfer agent is at the rate of 45 cents per certificate.
[2] The charge for acting as registrar is at the rate of 12½ cents per certificate.
[3] The charge for acting as registrar of the Alabama preferred stock is $250 for the first 500 certificates and 15 cents per certificate thereafter.

The Commission having considered the statements and affidavits filed in support of such requests and having examined the record and the requested fees and expenses and having concluded that the requested fees and expenses in the amounts proposed and the bases upon which certain fees are to be determined, as above set forth, are not unreasonable and that the proposed allocation thereof is not unreasonable:

It is ordered, That the reservation in this matter with respect to said fees and expenses be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-5553; Filed, June 23, 1953; 8:46 a. m.]

[File Nos. 54-142, 59-84]

AMERICAN WATER WORKS AND ELECTRIC CO., INC., ET AL.

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

JUNE 18, 1953.

In the matter of American Water Works and Electric Company, Incorporated, and Subsidiary Companies, etc., File No. 59-84, The West Penn Electric Company, et al., File No. 54-142.

Various applications for allowances for services or for reimbursement of expenses in connection with the determination by this Commission of the amounts payable in respect of Escrow Certificates issued to the holders of the 6 Percent Cumulative Preferred Stock of American Water Works and Electric Company, Incorporated ("American"), a registered holding company, having been filed with the Commission, and a hearing having been held thereon pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 and notice of filing and order for hearing previously issued on February 18, 1953 (Holding Company Act Release No. 11717), which notice and order set forth the amounts requested by the various applicants for such allowances; and

Certain of said applicants having amended their applications for fees and allowances; and

The West Penn Electric Company ("West Penn") a registered holding company and successor to American, having stated that it is prepared to pay the amounts of fees and allowances hereinafter itemized; and

The Commission having considered the applications on file and the amounts requested, and being of the opinion that the requested allowances as hereinafter itemized are reasonable and are for necessary services, and that an order should be entered approving and directing the payment thereof by West Penn:

It is ordered, That the applications as filed, or as amended in certain instances, for services and reimbursements of expenses, in the following amounts be, and are hereby approved, and West Penn is directed to pay such amounts to the respective applicants:

	Fees	Expenses	Total
The West Penn Electric Co. (successor to American):			
Expenses (printing, statistical services, etc.)	.....	$16,066.65	$16,066.65
Sullivan & Cromwell (counsel)	$57,000	566.10	57,566.10
The First Boston Corp., fee requested for services of George L. Perin	10,000	456.17	10,456.17
Protective Committee of the Escrow Certificate Holders of American Water Works & Electric Co., Inc. (Hiatt Committee):			
Nemser & Nemser, attorneys	37,500	3,438.00	40,938.00
Theodore R. Mackoul, financial expert	18,500	237.24	18,737.24
M. Tyndall Hiatt	500	.....	500.00
William S. Coffey	500	.....	500.00
William A. Trischett, Committee members	500	.....	500.00
American Water Works & Electric Co., 6 percent cumulative preferred stock committee (Galdi Committee):			
Barnard S. Kanton, counsel	40,000	3,440.20	43,440.20
Dr. Ralph E. Badger, expert	13,750	.....	13,750.00
Joseph C. Galdi, committee member	1,000	.....	1,000.00

It is further ordered, That the jurisdiction heretofore reserved with respect to the allowances herein made be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-5559; Filed, June 23, 1953; 8:47 a. m.]

[File Nos. 70-2584, 70-2594]

OHIO EDISON CO.

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

JUNE 18, 1953.

The Commission, by orders dated March 22, 1951, and April 18, 1951, having granted and permitted to become effective applications-declarations, as amended, filed by Ohio Edison Company ("Ohio") a registered holding company and a public utility company, pursuant to the applicable provisions of the act, with respect to, among other matters, (a) the solicitation of the holders of its common stock for proxies to be voted at the annual meeting to be held on April 26, 1951, in favor of certain proposed amendments to its Articles of Incorporation; (b) the issuance and sale by Ohio of 436,224 shares of additional common stock, par value $8 per share, pursuant to a subscription offer to its common stockholders, on the basis of one share of new common stock for each ten shares held, and the sale of any shares not subscribed for by the common stockholders pursuant to the competitive bidding requirements of Rule U-50; and (c) the issuance and sale by Ohio of 150,000 shares of a new series of preferred stock, par value $100 per share, at competitive bidding pursuant to Rule U-50; and the Commission having in said order, dated April 18, 1951, reserved jurisdiction over all fees and expenses incurred or to be incurred in connection therewith and with respect to all aspects of a proposal to hire an organization of professional proxy solicitors, including, among other things, the need therefor, their selection and compensation; and

The Commission, by supplemental order dated May 3, 1951, having granted and permitted to become effective that portion of the application-declaration as amended, relating to the issuance and sale of the common stock; and having in said order continued its reservation of jurisdiction with respect to the issuance and sale of the new preferred stock and with respect to all fees and expenses incurred or to be incurred in connection with the proposed transactions; and Ohio having filed an amendment to its application-declaration stating that on December 18, 1951, the new preferred stock was deregistered under the Securities Act of 1933; and

The record indicating that no professional proxy solicitors were employed by Ohio and further information having been filed concerning the nature and extent of the services rendered and the fees and expenses proposed to be paid therefore, as set forth below:

	For services relating to—	
	Common stock financing	Preferred stock financing
Filing fee—S. E. C.	$1,553.49	$1,541.25
Federal original issue tax	5,236.01	
Printing of common stock warrants	5,832.16	
Engraving of stock certificates	2,076.04	
Listing and registration on New York and midwest stock exchanges	1,359.09	
Printing registration statement, prospectuses, etc.	$12,037.53	$7,223.03
Mailing and postage	14,362.79	
Fee of registrar	2,027.69	
Commonwealth Services, Inc.:		
New York transfer agent, subscription agent and issuance of stock certificates:		
Fee	27,033.12	
Expenses	3,803.51	
Miscellaneous services:		
Fee	16,223.87	5,074.69
Expenses	1,013.74	74.97
Winthrop, Stimson, Putnam, and Roberts, Company counsel:		
Fee	9,093.69	[1] 8,500.00
Expenses	643.65	109.93
Simpson Thacher & Bartlett, counsel to Underwriters:		
Fee	[2] 6,093.69	[2] 2,500.00
Expenses	[4] 164.53	
Arthur Andersen & Co., accountants, fees and expenses	6,165.63	1,950.00
Miscellaneous	3,057.14	
Total	143,392.94	23,934.79

[1] Includes fee for services in connection with charter amendment.
[2] To be paid by successful bidder.
[3] To be paid by company since sale of preferred stock was never consummated.
[4] Disbursements relating to Blue Sky expense to be paid by company.

It appearing to the Commission that the requested fees and expenses are not unreasonable and that jurisdiction over such fees and expenses should be released:

It is ordered, That jurisdiction heretofore reserved over all fees and expenses and with respect to the proposal to hire professional proxy solicitors be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-5556; Filed, June 23, 1953; 8:47 a. m.]

[File No. 70-2783]

OHIO EDISON CO.

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

JUNE 18, 1953.

Ohio Edison Company ("Ohio"), a registered holding company and a public utility company, having filed a declaration, and amendments thereto, with respect to the issuance and sale, pursuant to the competitive bidding requirements of Rule U-50, of 150,000 shares of a new series of preferred stock, $100 par value; and

The Commission, by orders dated March 4, 1952, and March 12, 1952, having permitted to become effective said declaration, as amended, except that jurisdiction was reserved with respect to, among other things, the fees and expenses for services to be incurred in connection with the proposed transactions; and

Further information having been filed concerning the nature and extent of the services rendered, and the fees and expenses incurred in connection therewith, as set forth below:

Filing fee—S. E. C.	$1,541.25
Federal original issue tax	16,500.00
Printing of temporary stock certificates	1,246.31
Listing and registration on New York and Midwest Stock Exchanges	2,500.00
Fee of registrar	423.00
Fee of transfer agent	1,541.00
Winthrop, Stimson, Putnam & Roberts—Company counsel:	
Fee	5,500.00
Expenses	312.30
Arthur Andersen & Co.—Accountants, fees and expenses	3,400.00
Printing registration statement, prospectuses, etc.	17,477.57
Simpson Thacher & Bartlett—Counsel to underwriters:	
Fee	[1] 4,000.00
Blue Sky expenses	[2] 343.14
Commonwealth Services, Inc., miscellaneous services:	
Fee	11,139.63
Expenses	1,031.83
Miscellaneous	764.49
Total	67,785.43

[1] To be paid by successful bidder.
[2] To be paid by the Company.

It appearing to the Commission that the requested fees and expenses are not unreasonable and that jurisdiction over such fees and expenses should be released:

It is ordered, That jurisdiction heretofore reserved in the Commission's order, dated March 4, 1952, and continued in its supplemental order, dated March 12, 1952, over the fees and expenses set forth above be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-5555; Filed, June 23, 1953; 8:46 a. m.]

[File Nos. 70-2355, 70-2363]

OHIO EDISON CO.

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

JUNE 18, 1953.

Ohio Edison Company ("Ohio"), a registered holding company and a public utility company, having filed a declaration, and amendments thereto, with respect to the solicitation of the holders of its common stock for proxies to be voted at a special meeting to be held on December 30, 1952, in favor of certain proposed amendments to its Articles of Incorporation; and

The Commission, by its order dated November 21, 1952, having granted and permitted to become effective said application-declaration, as amended, except that jurisdiction was reserved with respect to, among other things, fees and expenses of counsel and over any professional proxy solicitors who might be employed in connection with the proposed transactions; and

Ohio having filed an application-declaration, and amendments thereto, with respect to (a) the issuance and sale by Ohio of 479,846 shares of its common stock, par value $12 per share, pursuant to a subscription offer to its common stockholders, on the basis of one share

of new common stock for each ten shares held, and the sale of any shares not subscribed for by the common stockholders pursuant to the competitive bidding requirements of Rule U-50; and (b) the issuance and sale by Ohio of 150,000 shares of a new series of preferred stock, par value $100 per share, at competitive bidding pursuant to Rule U-50; and

The Commission by orders dated December 30, 1952, January 8, 1953, and January 14, 1953, having granted and permitted to become effective said application-declaration, as amended, except that jurisdiction was reserved with respect to, among other things, all fees and expenses incurred or to be incurred in connection therewith; and

The record indicating that no professional proxy solicitors were employed by Ohio and further information having been filed concerning the nature and extent of the services rendered and the estimated fees and expenses proposed to be paid therefore, as set forth below:

	For services relating to—	
	Common stock financing	Preferred stock financing
Filing fee—S. E. C.	$2,005.75	$1,541.25
Federal original income tax	8,144.71	16,500.00
Printing of common stock warrants	6,033.23	
Printing of temporary stock certificates		1,068.62
Engraving of stock certificates	2,060.00	
Listing and registration on New York and midwest stock exchanges	1,450.00	2,500.00
Printing registration statements, prospectuses, etc.	40,739.94	5,539.30
Warrant agent:		
The Hanover Bank:		
Fee	35,750.00	
Expenses, including postage, of $10,725.36	12,414.98	
Transfer agents:		
Commonwealth Services, Inc.:		
Fee (estimated)	6,000.00	
Expenses	[1] 335.64	
The Chase National Bank of the City of New York: Fee (55 cents per certificate)		843.15
Registrars:		
The First National Bank of the City of New York: Fee (15 cents per certificate)		229.95
Bankers Trust Co.. Fee (estimated, based on a charge of 15 cents per certificate)	2,587.05	
The Firestone Bank: Fee (estimated, based on a charge of 15 cents per certificate)	1,785.60	
Company counsel:		
Winthrop, Stimson, Putnam & Roberts: [2]		
Fee	7,900.00	7,900.00
Expenses	613.89	613.89
Swaney & Whitmire—Fee	50.00	50.00
Counsel to the Underwriters:		
Simpson Thacher & Bartlett:		
Fee	[3] 5,000.00	[3] 5,000.00
Blue Sky expenses	[4] 100.00	[4] 100.00
Accountants:		
Arthur Andersen & Co..		
Fee	2,712.50	2,712.50
Expenses	550.00	550.00
Arthur Young & Co	50.00	50.00
Miscellaneous services:		
Commonwealth Services, Inc.:		
Fee (estimated)	7,500.00	7,500.00
Expenses (estimated)	[1] 702.97	[1] 702.95
Other expenses	4,562.32	
Total	149,048.58	53,401.61

[1] The expenses of Commonwealth Services, Inc., for their services in these proceedings were originally estimated at $1,500. To Feb. 20, 1953, these expenses amounted to an aggregate of $1,741.56.

[2] Winthrop, Stimson, Putnam & Roberts also requests release of jurisdiction over a fee of $700 for its services in connection with the amendment to the articles of incorporation.

[3] To be paid by successful bidder.

[4] To be paid by Company.

It appearing to the Commission that the requested fees and expenses are not unreasonable and that jurisdiction over such fees and expenses should be released:

It is ordered, That jurisdiction heretofore reserved over all fees and expenses and with respect to the services of professional proxy solicitors be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-5554; Filed, June 23, 1953; 8:46 a. m.]

[File No. 70-3000]

GEORGIA POWER CO.

ORDER RELEASING JURISDICTION OVER LEGAL FEES AND EXPENSES

JUNE 18, 1953.

Georgia Power Company ("Georgia"), a public utility subsidiary of The Southern Company, a registered holding company, having filed an application, and amendments thereto, with respect to (a) the issuance and sale, pursuant to the competitive bidding requirements of Rule U-50, of $16,000,000 principal amount of its First Mortgage Bonds, 3¾ percent Series, due 1983; and (b) 100,000 shares of $4.92 Preferred Stock, without par value; and

The Commission, by its orders dated March 10, 1953, and March 25, 1953, having granted said application, as amended, except that jurisdiction was reserved with respect to, among other things, fees and expenses for legal services to be incurred in connection with the proposed transactions; and

The record having been completed with respect to such fees and expenses, namely, a fee of Winthrop, Stimson, Putnam & Roberts, counsel for Georgia, in the amount of $14,000 of which $7,500 is to be allocated to the issue and sale of the bonds and $6,500 to the issue and sale of the preferred stock, plus estimated expenses of $200; and a fee of Simpson Thacher & Bartlett, counsel for the purchasers of the bonds and preferred stock, in the amount of $9,000, of which $5,000 is allocated to the bonds and $4,000 is allocated to the preferred stock, plus estimated expenses of $900; and

The Commission having considered the record with respect to said fees and expenses and it appearing that the same are not unreasonable:

It is hereby ordered, That the jurisdiction heretofore reserved over fees and expenses for legal services be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-5557; Filed, June 23, 1953; 8:47 a. m.]

[File No. 70-3083]

NORTHERN PENNSYLVANIA POWER CO.

NOTICE OF REQUEST FOR AUTHORITY TO ISSUE SHORT-TERM NOTES IN EXCESS OF FIVE PERCENT LIMITATION

JUNE 18, 1953.

Notice is hereby given that Northern Pennsylvania Power Company ("the Company"), an electric utility subsidiary of General Public Utilities Corporation ("GPU") a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 ("the act"), and has designated section 6 (b) of the act and Rule U-23 thereunder as applicable to the proposed transactions, which are summarized as follows:

The Company proposes to issue and sell, or renew, from time to time, but not later than December 31, 1953, its unsecured notes to one or more commercial banks (including unsecured notes now outstanding in the aggregate principal amount of $400,000, or any renewal or refunding thereof) in aggregate principal amount not exceeding $1,100,000, and maturing not more than nine months after the issue thereof. Each note will bear interest at the prime interest rate (now 3¼ percent per annum), but if such prime rate should exceed 3½ percent per annum, the Company will, at least five days prior to the issue of any such note, file a supplemental statement with respect thereto, and will refrain from issuing such note unless the Commission shall expressly or impliedly (by failure to require further proceedings) approve same.

The Company states that its presently outstanding securities, other than said unsecured notes, consist of $5,100,000 principal amount of First Mortgage Bonds and 22,130 shares of no par Common Stock (all owned by GPU), and that, during 1953, the Company has received from GPU capital contributions of $425,000 out of an aggregate amount of $675,000 heretofore authorized by the Commission.

The Company further states that the proposed short-term financing is required in connection with its construction program; that it is temporarily postponing permanent senior financing until the disposition of applications now pending relating to the merger of the Company into its affiliate Pennsylvania Electric Company; that the proposed financing is not within the jurisdiction of the State regulatory commission; that there will be no underwriting fees, commissions, or spread; and that the estimated expenses will be supplied by amendment.

It is requested that the Commission's order become effective upon issuance.

Notice is further given that any interested person may not later than June 30, 1953, at 5:30 p. m., e. d. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securi-

ties and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application, as filed or as amended, may be granted as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-5552; Filed, June 23, 1953; 8:46 a. m.]

[File No. 70-3089]

COLUMBIA GAS SYSTEM, INC., AND BINGHAMTON GAS WORKS

NOTICE REGARDING SALE OF COMMON STOCK AND PRINCIPAL AMOUNT OF INSTALLMENT NOTES BY SUBSIDIARY COMPANY TO ITS PARENT

JUNE 18, 1953.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia") a registered holding company, and its public utility subsidiary, Binghamton Gas Works ("Binghamton"), have filed a joint application-declaration with this Commission pursuant to the provisions of sections 6 (b) 9, and 10 of the Public Utility Holding Company Act of 1935 ("act") All interested persons are referred to said application-declaration which is on file in the office of this Commission for a more detailed statement of the transaction therein proposed, which is summarized as follows:

Columbia, which owns all of the outstanding securities of Binghamton, proposes to purchase, and Binghamton proposes to issue and sell, from time to time but not later than March 31, 1954, as the funds are needed, (a) 8,000 shares of common stock, $25 par value, for $200,000 and (b) upon completion of the purchase of said shares of common stock, $150,000 principal amount of installment notes to be dated their date of issue and to mature in equal amounts on February 15 in each of the years 1955 to 1979 inclusive. Said notes are to bear interest at the rate of 4 percent per annum or such lower rate being a multiple of ⅛ of 1 percent, as shall be not less than the "cost of money" to Columbia in respect of debentures anticipated to be sold later this year. Prior thereto the notes will bear interest at the rate of 4 percent per annum.

It is stated that the proposed transactions are to be consummated in order to provide Binghamton with the needed funds, as required, to finance its 1953 construction program estimated at $484,875.

It is estimated that Binghamton and Columbia will incur expenses with respect to the issuance and purchase of the common stock and installment notes, in amounts of $735 and $150 respectively.

Binghamton has filed an application with the Public Service Commission of the State of New York for approval of the issuance of these securities. The order to be issued therein will be supplied by amendment.

Notice is further given, that any interested person may, not later than July 2, 1953, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law, if any, raised by the said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said application-declaration as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-5551; Filed, June 23, 1953; 8:46 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

FIELD ORGANIZATION

DESCRIPTIONS OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section III *Field organization and final delegations of authority* is amended as follows:

Subparagraph (m) is added to paragraph b 13 as follows:

(m) Effective June 10, 1953, to execute leases and amendments thereof to Local Authorities, and Project Management Plan agreements with the Department of the Navy for the management of such projects.

Date approved: June 17, 1953.

JOHN TAYLOR EGAN, *Commissioner*

[F. R. Doc. 53-5550; Filed, June 23, 1953; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28192]

SAND AND GRAVEL FROM NEW JERSEY TO MEDFORD, MASS.

APPLICATION FOR RELIEF

JUNE 19, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by C. W. Boin and I. N. Doe, Agents, for and on behalf of the Boston and Maine Railroad and other carriers named in the application.

Commodities involved: Sand and gravel, carloads.

From: Newport, Cedar Lake, Cedarville, Farmingdale, Hayville, Lakewood, South Lakewood, Whitings, and Winslow Jct., N. J.

To: Medford, Mass.

Grounds for relief: Market competition.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 53-5552; Filed, June 23, 1953; 8:47 a. m.]

[4th Sec. Application 28193]

FRESH FRUITS AND VEGETABLES FROM SOUTH PACIFIC COAST TERRITORY TO PADUCAH, KY.

APPLICATION FOR RELIEF

JUNE 19, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by W. J. Prueter, Agent, for carriers parties to Alternate Agent C. J. Hennings' tariffs ICC Nos. 1517 and 1548.

Commodities involved: Fresh fruits and vegetables, carloads.

From: South Pacific coast territory.

To: Paducah, Ky.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 53-5563; Filed, June 23, 1953; 8:48 a. m.]

[4th Sec. Application 28194]

MOTOR-RAIL RATES BETWEEN EDGEWATER AND ELIZABETH, N. J., AND BOSTON AND LOWELL, MASS., SUBSTITUTED SERVICE

APPLICATION FOR RELIEF

JUNE 19, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and L & L Transportation Company.

Commodities involved: Semi-trailers, loaded or empty, on flat cars.

Between: Edgewater and Elizabeth, N. J., on the one hand, and Boston and Lowell, Mass., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-5564; Filed, June 23, 1953; 8:48 a. m.]

[4th Sec. Application 28195]

MOTOR-RAIL RATES BETWEEN EDGEWATER AND ELIZABETH, N. J., AND BOSTON, MASS., AND PROVIDENCE, R. I., SUBSTITUTED SERVICE

APPLICATION FOR RELIEF

JUNE 19, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and New England Motor Freight, Inc.

Commodities involved: Semi trailers, loaded or empty, on flat cars.

Between: Edgewater and Elizabeth, N. J., on the one hand, and Boston, Mass., and Providence, R. I., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-5565; Filed, June 23, 1953; 8:48 a. m.]

[4th Sec. Application 28196]

SAND, GRAVEL, LIMESTONE AND RELATED ARTICLES BETWEEN POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JUNE 19, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to C. A. Spaninger's tariff ICC No. 1315.

Commodities involved: Sand, gravel, limestone, and related articles, in carloads, as described in exhibit A of the application.

Between: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-5566; Filed, June 23, 1953; 8:48 a. m.]

[4th Sec. Application 28197]

FIRE BRICK, CLAY, CEMENT AND BONDING MORTAR FROM SOUTH AUGUSTA, GA., TO WESTERN TRUNK-LINE AND SOUTHWESTERN TERRITORIES

APPLICATION FOR RELIEF

JUNE 19, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Fire brick, fire clay, and high temperature cement or bonding mortar, carloads.

From: South Augusta, Ga.

To: Points in western trunk-line and southwestern territories.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates; C. A. Spaninger, Agent, ICC No. 1351, supl. 11.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-5567; Filed, June 23, 1953; 8:48 a. m.]